

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

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4. On August 8, 2007, Respondent appeared through counsel and Complainant again failed to appear. On that date an order was entered, continuing the matter to September 5, 2007 at 10:00 a.m. and Respondent was granted leave to file a motion to dismiss. Complainant was properly served with that order on August 14, 2007.
5. On August 21, 2007, Respondent filed its motion to dismiss with the Commission.
6. Complainant was properly served with Respondent's motion to dismiss on August 21, 2007.
7. On September 5, 2007, Respondent appeared and Complainant again failed to appear.
8. As of the date of this Recommended Order and Decision, Complainant has not filed a response to Respondent's motion to dismiss.

CONCLUSIONS OF LAW

1. Complainant's failure to appear at three (3) scheduled status hearings and his failure to respond to Respondent's motion to dismiss has unreasonably delayed the proceedings in this matter.
2. In light of Complainant's apparent abandonment of his claim, this matter should be dismissed with prejudice.

DISCUSSION

Complainant Carlson has taken absolutely no action to prosecute this matter since the year 2007. Although ordered to appear on June 6th, 2007, August 8th, 2007 and September 5th, 2007, Complainant Carlson, without explanation, failed to appear at the Commission for the scheduled status hearings on those dates. In addition, Complainant has failed to file a response to Respondent's motion to dismiss which has been pending since August of 2007. For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result of the abandonment of his claim before the Commission, it is most appropriate to dismiss the

Complaint to Civil Rights Violation with prejudice. *Leonard and Solid Matter, Inc.*, IHRC, ALS
No. 4942, August 25, 1992.

RECOMMENDATION

Based on the foregoing, it appears that Complainant has abandoned his claim before the Commission. Accordingly, it is recommended that the *Complaint of Civil Rights Violation*, ALS No. 07-246, and the underlying charge, No. 2006CA0535, be dismissed with prejudice.

DATE: MAY 26TH, 2010

HUMAN RIGHTS COMMISSION

**MARIETTE LINDT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**